

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. M-09/08-395  
 )  
 Appeal of )

# INTRODUCTION

The petitioner appeals the decision by the Office of Vermont Health Access (OVHA) that his child is no longer eligible for Medicaid benefits under the Dr. Dynasaur program. The issue is whether the petitioner's income from self-employment and his wife's wages exceed the maximum allowable under that program.

## FINDINGS OF FACT

1. The petitioner lives with his wife and their minor child. He is self employed and his wife receives income in the form of wages from her own employment. The family reports its income to the Department based on their annual federal tax returns. In a decision dated August 11, 2008, the Department notified the petitioner that their daughter's Dr. Dynasaur benefits would close effective September, 2008 due to excess income, as determined from the petitioner's 2007 tax returns.

2. At the hearing in the matter, held on October 9, 2008, the petitioner's wife did not contest the Department's determination that the household's 2007 income, after all allowable deductions, was \$4,658.43 a month, which is over the Dr. Dynasaur maximum of \$4,413 for a family of three.

3. At the hearing the petitioner's wife alleged that their income may have decreased during the first nine months of 2008. She was advised that they could reapply for Dr. Dynasaur based on any verifiable change in circumstances.

4. The petitioner's wife also represented that the petitioner had purchased a private insurance plan for his daughter for September 2008 not realizing that her Dr. Dynasaur benefits would continue pending the hearing. She did not dispute, however, that the right to receive continuing benefits was contained in the written notice of decision her husband received in August.

ORDER

The Department's decision is affirmed.

REASONS

Income eligibility for Dr. Dynasaur is determined based on all earned and unearned income in the household. W.A.M. §§ M340 et seq. Inasmuch as there is no dispute that the

Department, based on information provided by the petitioner in August 2008, correctly determined the petitioner's household income, and allowed all applicable deductions in accord with the above regulations, the Board is bound to affirm that decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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